BORA LASKIN LAW LIBRARY
3 1761 03873 3127

CRIMINAL LAW

VOLUME I

Alan Brudner

FACULTY OF LAW
UNIVERSITY OF TORONTO

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto.

1995-1996

orage

BORA LASKIN LAW LIBRARY

AUG 18 1995

FACULTY OF LAW
UNIVERSITY OF TORONTO

BORA LASKIN LAW LIBRARY
UNIVERSITY OF TORONTO

CRIMINAL LAW

VOLUME I

Alan Brudner

FACULTY OF LAW
UNIVERSITY OF TORONTO

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto.

1995-1996

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/criminallaw01brud_19

TABLE OF CONTENTS

(Volume I)

Page No.

Chapter One: The Aims of Punishment

Bentham, Principles of Morals and Legislation 1

C.S. Lewis, The Humanitarian Theory of Punishment 9

Hegel, Philosophy of Right 13

Chapter Two: The Principle of Legality

Shaw v. Director of Public Prosections 20

R. v. Nova Scotia Pharmaceutical Society 28

Chapter Three: The Presumption of Innocence

Woolmington v. D.P.P. 36

R. v. Oakes 41

R. v. Whyte 49

Downey v. The Queen 57

Chapter Four: Actus Reus

R. v. Corrier 68

A) Voluntariness

Rex v. Larsonneur 71

Hill v. Baxter 73

B) Omissions

A Penal Code Prepared By the Indian Law Commissioners 75

People v. Beardsley 77

The Queen v. Instan 80

Fagan v. Commissioner of Metropolitan Police 83

Commonwealth v. Cali 86

R. v. Miller 87

LRCC, Working Paper #46, Omissions 89

C) **Causation**

R. v. Winning 93

Commonwealth v. Moyer 93

The Queen v. Jordan 96

The Queen v. Smith 98

People v. Lewis 101

Pagett v. The Queen 102

R. v. Cheshire 105

R. v. Smithers 108

R. v. Blaue 110

R. v. Cribben 112

Chapter Five: Inchoate Crimes

I. **Attempts**

A) **Intent**

Lajoie v. The Queen 121

R. v. Ancio 125

B) **Actus Reus**

The King v. Robinson 131

The King v. Barker 134

R. v. Cline 138

R. v. Sorrell and Bondett 142

Deutsch v. The Queen 147

LRCC Draft Criminal Code 155

C) **The Relevance of Impossibility**

R. v. Scott 157

R. v. Smith (Roger) 158

Detering v. The Queen 164

R. v. Shivpuri 166

II. Counselling

R. v. McLeod 170

LRCC Draft Code 172

Chapter Six: Mens Rea

R. v. City of Sault Ste. Marie 173

Barbara Wooton, Crime and Criminal Law 173

H.L.A. Hart, Punishment and Responsibility 178

A) Intention and Motive

Lewis v. The Queen 184

Rex v. Steane 190

Dunbar v. The King 193

Paquette v. The Queen 195

B) Recklessness

R. v. Caldwell 197

R. v. Tutton and Tutton 200

R. v. Hundel 216

Brenda M. Baker, "Mens Rea & Negligence" 224

Model Penal Code 228

Chapter Seven: Departures from Mens Rea

A) Constructive Murder

Burns and Reid, "From Felony Murder to Accomplice Felony Attempted Murder" 230

Vaillancourt v. The Queen 232

The Law Reform Commission of Canada Working Paper on Homicide 243

LRCC Draft Code 246

R. v. Martineau 248

B) **Foreseeability of Harm**

R. v. DeSousa 265

R. v. Creighton 274

C) **Strict and Absolute Liability**

Morris and Howard, "Strict Responsibility" 279

Rex v. Ping Yuen 282

Beaver v. The Queen 285

The Queen v. Pierce Fisheries Ltd. 294

R. v. City of Sault Ste. Marie 302

R. v. Chapin 311

Reference Re Section 94(2) of the Motor Vehicle Act 313

Wholesale Travel Group Inc. v. The Queen 318

Chapter Eight: Parties to Offences

R. v. Kulbacki 352

R. v. Salajko 354

Dunlop and Sylvester v. The Queen 355

R. v. Bainbridge 364

R. v. Logan 367

LRCC Draft Code 374

Chapter Nine: Vicarious and Corporate Liability

A) **Vicarious Liability**

Allen v. Whitehead 376

R. v. Hawinda Taverns Ltd. 377

B) Corporate Liability

Rex v. Fane Robinson Ltd. 380

R. v. Andrews Weatherfoil Ltd. 383

R. v. Waterloo Mercury Sales Ltd. 385

Canadian Dredge and Dock Co. Ltd. v. The Queen 387

LRCC Draft Code 392